

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 30, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:04 a.m. The meeting was recessed by Mayor Murphy at 11:59 a.m. to convene the Housing Authority. The regular meeting was reconvened by Mayor Murphy at 12:03 p.m. with all members present and Districts 6 and 8 vacant. The regular meeting was adjourned by Mayor Murphy at 12:04 p.m. to meet in Closed Session at 2:00 p.m. to discuss pending and potential litigation matters, and to convene the Special Council Meeting thereafter.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council District -vacant
- (7) Council Member Madaffer-present
- (8) Council District -vacant

Clerk-Abdelnour (er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council District -vacant
- (7) Council Member Madaffer-present
- (8) Council District -vacant

ITEM-10: INVOCATION

Invocation was given by Father Bruce Orsborn of
Saint Jerome Catholic Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

1/8/2001 Special Meeting
1/9/2001

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A022-031.)

MOTION BY STEVENS TO APPROVE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-31: Recognition and Presentation of Attorney of the Year 2000 Award to Deputy City Attorney Rick Duvernay.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1058) ADOPTED AS RESOLUTION R-294479

Recognizing and commending Rick Duvernay on the occasion of his selection by San Diego City Attorney Casey Gwinn as the recipient of the 2000 Attorney of the Year Award;

Proclaiming January 30, 2001 to be "Rick Duvernay Day" in the City of San Diego.

SUPPORTING INFORMATION:

The attorneys in the San Diego City Attorney's Office Civil Division protect the quality of life and the public fisc of the people of San Diego by defending and prosecuting civil lawsuits, and advising and counseling the City. They provide legal services to the City with professionalism and excellence, focusing on:

1. Just, effective, and ethical lawyering;
2. Early intervention and proactive problem solving; and,
3. Promoting public awareness of legal issues affecting the people of San Diego.

The attorneys meet these goals with a dedicated staff in a challenging, congenial, cohesive, and professional working environment where everyone is treated with dignity and respect.

PURPOSE

The Attorney of the Year Award acknowledges and rewards the Civil Division Deputy City Attorney whose professional accomplishments, abilities, and contributions to the community best demonstrated and fulfilled the goals of the San Diego City Attorney's office during the last year.

NOMINATIONS

Anyone may nominate any deputy in the Civil Division who meets the eligibility requirements. Nominations must be submitted in writing to Anita Noone by 5:00 p.m. on October 20, 2000.

ELIGIBILITY

- Deputy in the Civil Division (including Head Deputies and Senior Deputies)
- Full-time or part-time
- Employed as a deputy for all of the 2000 calendar year

Noone/Swett

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A032-173.)

MOTION BY MADAFFER TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Nadine Lang commented that the City Council has failed to act for the future security of the De Anza Cove Community and its citizens. Ms. Lang outlined the actions she believes the Council is responsible for.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A186-216.)

PUBLIC COMMENT-2:

Don Stillwell questioned the practice of withholding income taxes from employees' wages. He shared information on publications that address this issue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A218-251.)

PUBLIC COMMENT-3:

Ken Loch commented on the reunion of the arts and science and the importance of understanding this concept. He stated that he would like to help San Diego understand the interaction between the arts and science.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A256-299.)

PUBLIC COMMENT-4:

Karen Jolaine Harris requested that the Council consider scheduling some meetings later in the day to accommodate those people who cannot attend because of their job. Ms. Harris commented that she appreciated that the City Manager was conducting budget meetings in the community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A300-339.)

PUBLIC COMMENT-5:

Jim Varnadore commented on the importance of City staff's cooperation with San Diego's citizens to bring about solutions for problems in the communities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A360-396.)

PUBLIC COMMENT-6:

Laura Mallgren suggested that more community parks throughout San Diego be designated as off-leash parks. This would avoid the problem of dog owners letting their dogs run off leash at parks where a leash law has been established.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A398-444.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Maienschein extended his sympathy to Nia Coleman's family. He requested increased police presences at the Mira Mesa Community Park.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A449-460.)

* ITEM-50: Office Space Lease Amendment - Executive Complex Building.

(Centre City Community Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/16/2001. (Council voted 7-0. Councilmember Stallings not present and District 8 vacant.):

(O-2001-98) ADOPTED AS ORDINANCE O-18919 (New Series)

Authorizing the City Manager to execute a Third Amendment to Lease with Executive One Associates for additional office space of approximately 2,552 square feet on the 13th floor of the Executive Complex Building, for the Employee Assistance Program, commencing December 1, 2000, for a term of approximately 13 years, at an initial monthly rent of \$3,419.68;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$24,473.68 from Fund 50061, Department 084, for rent from the FY2001 budget.

NOTE: **6** votes required pursuant to Section 99 of the City Charter.

Aud. Cert. 2100740.

FILE LOCATION: LEAS-Executive One Associates

COUNCIL ACTION: (Tape location: A471-585.)

CONSENT MOTION BY PETERS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-100: Developer Fees FY 2000 Annual Report.

(See City Manager Report CMR-01-010.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1050) ADOPTED AS RESOLUTION R-294483

Accepting the Developer Fees Fiscal Year 2000 Annual Report and making findings related to unexpended balances as required by California Government Code Section 66001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A471-585.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

- * ITEM-101: Amending FY 2001 Capital Improvement Programs Budget - Scripps Ranch Neighborhood Park III - Comfort Station.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-959) ADOPTED AS RESOLUTION R-294484

Authorizing the City Auditor and Comptroller to add CIP-29-421.0, Scripps Ranch Neighborhood Park III - Comfort Station, to the FY 2001 Capital Improvements Program Budget;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$90,000 from the Village and Country Settlement Fund, Fund No. 10604 for use on CIP-29-421.0, Scripps Ranch Neighborhood Park III - Comfort Station;

Declaring that if the property owners in the District, through a ballot protest procedure, do not support the maintenance of the comfort station, the City Manager shall ensure that the comfort station is removed from the Park.

CITY MANAGER SUPPORTING INFORMATION:

The Scripps Ranch Neighborhood Phase III Park is located in the Miramar Ranch North Community. The community has requested the construction of a small comfort station due to the park's location in relation to the residents it serves. The proposed comfort station would be a pre-fabricated, modular unit which would be connected to the City sanitary sewer system. Since the requested comfort station does not meet Park and Recreation standards, in terms of size and materials, the facility will be ultimately maintained by the community through their Maintenance Assessment District fees.

The Maintenance Assessment District will need to be amended to include authorization of maintenance in a population based park. If the Maintenance Assessment District language has not been adjusted by the completion of the project construction, maintenance of the comfort station is anticipated to be funded by the Country Settlement Fund, Fund No. 10604 on an interim basis. This interim funding is estimated to not exceed \$6,000 and would cover project maintenance costs for up to two years and will require City Council approval. The Village & Country Settlement Fund was established pursuant to a settlement agreement between the Village & Country properties and the City in August, 1992. According to the agreement and the Planned Residential Permit No. 88-0767, the funds are to be used to finance projects within the communities of Scripps Miramar Ranch and Miramar Ranch North.

FISCAL IMPACT:

Funding in the amount of \$90,000 is available in the Village and Country Settlement Fund, Fund No. 10604 for this purpose.

Loveland/McLatchy/DVW

Aud. Cert. 2100631.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A471-585.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

* ITEM-102: Amending FY 2001 Capital Improvements Program Budget - Bayview Terrace

Elementary School Joint Use Facility.

(Pacific Beach Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1039) ADOPTED AS RESOLUTION R-294485

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$234,597 from Capital Outlay Funds, Fund No. 30244, for use on Bayview Terrace Elementary School - Joint Use Facility, CIP-29-836.0.

CITY MANAGER SUPPORTING INFORMATION:

This project will provide a 5.6 acre recreational facility at Bayview Terrace Elementary School, located between Grand Avenue and Fogg Street, west of Rose Creek in Pacific Beach, a community deficient in park land per General Plan standards. The proposed facility will be developed and maintained through a twenty-five (25) year lease and joint use agreement with the San Diego Unified School District (District). This action will add \$234,597 to previously authorized funding of \$620,403, which was approved by the City Council on October 16,2000 (Ordinance No. 0-18868), to implement the project.

FISCAL IMPACT:

Funds are available in the amount of \$234,597 from Capital Outlay Funds, Fund No.30244 for this purpose. Project development of Phase I will proceed when construction documents are complete. Annual maintenance costs pursuant to the Joint Use Agreement are estimated to be \$43,478. The funding for these costs will be requested as a new Park and Recreation facility in the Fiscal Year 2002 budget process.

Loveland/McLatchy/VW

Aud. Cert. 2100759.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A471-585.)

CONSENT MOTION BY PETERS TO ADOPT. Second by Stevens. Passed by the

following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-103: Contract for Police Officers at Sweetwater Union High School District.

(District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1019) ADOPTED AS RESOLUTION R-294486, WITH DIRECTIONS

Authorizing the City Manager to execute one agreement with the Sweetwater Union High School District, to provide a San Diego Police Juvenile Services Team officer with primary responsibility to provide police services at the District's five secondary schools located in San Diego.

CITY MANAGER SUPPORTING INFORMATION:

In past years, crime and violence have increased within our public schools. School districts and law enforcement officials continue to work as partners to ensure the safety of all school children. Sweetwater Union High School District has five secondary schools located within the City limits. The City currently provides one Juvenile Services Team officer for these schools. Sweetwater Union High School District wishes to contract for an additional Juvenile Services police officer.

General conditions of the agreement are:

- 1) The City provides an additional Juvenile Services Team officer to provide a uniformed presence in and around school campuses.
- 2) The City will be reimbursed for half the cost of providing a POII plus supervision and the pro-rated equipment cost.
- 3) The City agrees to furnish normal police equipment and vehicle.
- 4) The City agrees the officer will develop presentations, attend meetings, continue community work, and provide pro-active enforcement during regular school hours.

5) This contract is for the remainder of Fiscal Year 2001 with an option to renew for an additional four (4) years.

FISCAL IMPACT:

The City's reimbursement from Sweetwater Union High School District will be the pro-rated portion of \$54,341 based on the date of the agreement. This amount will be adjusted annually upon renewal.

Uberuaga/Bejarano/GD

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A587-B159.)

MOTION BY ATKINS TO ADOPT WITH DIRECTIONS TO THE CITY MANAGER TO PROVIDE MORE INFORMATION REGARDING THE CURRENT AMOUNT THAT IS BEING SPENT AND THE AMOUNT THAT IS REIMBURSED BY SAN DIEGO UNIFIED SCHOOL DISTRICT AT THE MID-YEAR BUDGET REVIEW MEETING. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-104: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2001-1034) ADOPTED AS RESOLUTION R-294487

Declaring a continued state of emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: B163-230.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-200: Two actions related to Awarding a Contract and Authorizing Funds for the Mission Valley Branch Library.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-809 Cor. Copy) ADOPTED AS RESOLUTION R-294488

Authorizing the City Manager to execute a contract with KVAAS Constructors, Inc., the lowest responsible bidder, for the construction of the Mission Valley Branch Library, for an expenditure not to exceed \$5,129,808, contingent upon certification by the Auditor of funds being available;

Amending the FY01 Budget to reflect the increased appropriation of \$700,000 into CIP-35-092.0;

Authorizing the appropriation of \$700,000 from DIF Fund No. 79529 Mission Urban Comm., to CIP-35-092-0, Mission Valley Branch Library, to supplement Resolution No. R-293908 for the construction of the Mission Valley Branch Library ;

Authorizing the expenditure, not to exceed \$700,000 from CIP-35-092.0, for executing this contract and related costs;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budget funds, if any, to DIF Fund No. 79529.

Subitem-B: (R-2001-810 Cor. Copy) ADOPTED AS RESOLUTION R-294489

Stating that the Environmental Impact Report LDR-96-0544 covering this activity adopted on April 21, 1998 by Resolution Nos. R-289994 to R-289998, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Mission Valley Branch Library;

Directing the City Clerk to execute and file a Notice of Determination in connection with the project.

CITY MANAGER SUPPORTING INFORMATION:

The Mission Valley Branch Library will be a new 19,760 sq. ft. branch library located at 2123 North Mission City Parkway. The library will consist of main reading rooms, community meetings rooms, computer laboratory, children's library, staff section, terrace, and an audiovisual aids area. On October 31, 2000, 10 bids were received. The bids ranged from \$5,979,000 as the highest, and \$5,129,808 as the lowest. The lowest acceptable bid of \$5,129,808 was 22% over the engineer's estimate of \$4,200,000. Inherent in the high bids were the following additional construction and landscaping costs not reflected in the engineer's estimate: Extensive architecture details to the library's structure, and additional landscaping for the area surrounding the library to mitigate the comments and concerns of the various reviewing committees after the engineer's estimate was submitted for the Council's approval; and the increase in the construction market prices. Due to these factors, it is not anticipated that the readvertisement will result in any savings to the City. Therefore, staff recommends that this project be awarded to the apparent low bid contractor, KVASS Construction, for the amount of \$5,129,808. During FY 2001, \$250,000 in donations was received to Fund # 67033. It is anticipated that the remaining \$400,000 in donations will be received upon ground breaking.

FISCAL IMPACT:

The total cost for this Project is now \$6,447,683; \$5,497,683 was previously authorized (R-293908) for this project. The additional \$700,000 is available from the Fund #79529, CIP- 35-092.0, Mission Valley Community. An additional \$250,000 will be appropriated when available, in fiscal year 2002.

Belock/Boekamp/AO

Aud. Cert. 2100730.

FILE LOCATION: Subitems A & B: CONT-KVASS Constructors, Inc.

COUNCIL ACTION: (Tape location: C270-397.)

MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-201: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of Sevan Court Accelerated Sewer Project.

(Serra Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-807) ADOPTED AS RESOLUTION R-294490

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sevan Court Accelerated Sewer Project on Work Order No. 175831;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,328,563 from Sewer

Fund 41506, CIP-46-206.5, Annual Allocation - Emergency and Accelerated Project, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K01047C)

Subitem-B: (R-2001-808) ADOPTED AS RESOLUTION R-294491

Certifying that LDR Mitigated Negative Declaration LDR-40-0276 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Construction of Sevan Court Accelerated Sewer Project;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the LDR Mitigated Declaration;

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Sevan Court Accelerated Sewer Project will replace approximately 3,646 linear feet of existing 8-inch VC sewer mains. The existing sewer mains were installed approximately in 1960 and now have experienced an increased amount of blockages due to debris and pipe deterioration. Also, currently the existing sewer main is located in a canyon which makes it prone to wash-outs. This project will eliminate these blockages, provide a more reliable sewage collection system, and the new sewer alignment re-directs flow away from the canyon. In addition, fourteen (14) new pedestrian ramps will be constructed and the streets within the project area will be slurry sealed from curb-to-curb. This project lies in the Serra Mesa area on Macaw Lane from Finch Lane to Redbird Drive; Redbird Drive from Macaw Lane to Cardinal Drive; Cardinal Drive from Redbird Drive to Bobolink Way. The work will affect Mission Valley Road. Residents will be notified by mail at least one month before construction begins by the City and again ten days before construction begins by the contractor through hand distribution. This contract includes

the wetlands mitigation for the Sevan Court Emergency Repair Project (construction completed last year). The specific wetlands mitigation requirements are pending the approval of "After the Fact" Department of Fish and Game, Army Corps of Engineers, and site development permits. These permits will be obtained before construction of this project begins.

FISCAL IMPACT:

The total estimated construction and related costs are \$1,328,563. Funding is available in Fund 41506, CIP-46-206.0, Annual Allocation - Emergency and Accelerated Projects, for this purpose.

Belock/Boekamp/HR

WWF-01-479.

FILE LOCATION: Subitems A & B: W.O. 175831

COUNCIL ACTION: (Tape location: C408-419.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-202: Emergency Housing Assistance Grant Application.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1029) ADOPTED AS RESOLUTION R-294492

Authorizing the application to the State of California, Department of Housing and Community Development, for a deferred loan for capital development through their Emergency Housing Assistance Program (EHAP).

CITY MANAGER SUPPORTING INFORMATION:

The California Department of Housing and Community Development is accepting applications for its Emergency Housing Assistance Program (EHAP) Capital Development Deferred Loans program. These funds are available as forgivable deferred loans for Capital Development to acquire, build, or rehabilitate emergency and transitional homeless shelters. The City of San Diego is applying for a \$500,000 deferred loan. These funds will be used to cover a portion of the costs for acquisition of the Days Inn at 1449 9th Avenue for the year-round short-term homeless family transitional facility. The California Department of Housing and Community Development requires that the City Council adopt a Resolution before 02/28/2001, authorizing the City Manager or his designee to apply for funding under this program.

FISCAL IMPACT:

The California Department of Housing and Community Development will provide a \$500,000 deferred loan. Loan interest is 3%, simple interest for 10 years. Principal and interest are deferred for the term of the loan as long as the project is used as transitional housing and will be converted to a grant when all loan terms are met.

Herring/Cunningham/SLJ

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C408-419.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-203: Mid City Transit Gateways Project.

(See City Manager Report CMR-01-009. Mid City, City Heights, Normal Heights and Talmadge Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1044) ADOPTED AS RESOLUTION R-294493

Authorizing the City Manager to accept Program Supplement No. 155-M to cover Preliminary Engineering for the Mid City Transit Gateways Project;

Authorizing the reprogramming of \$80,290 from savings remaining in CIP-39-209 (El Cajon Blvd. Commercial Revitalization: I-805 to 54th Street) to CIP-39-232 (Mid City Transit Gateways Project);

Authorizing the appropriation and expenditure of \$700,000 in CIP-39-232.0, Mid City Transit Gateways Project, \$619,710 from TEA21 grant (Fund No. 38610) and \$80,290 from TransNet (Fund No. 30300);

Approving the Agreement between the City and KTU+A, and authorizing the expenditure of \$400,000 for design services related to the Mid City Transit Gateways Project (CIP-39-232.0) from Fund No. 38610.

Aud. Cert. 2100777.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C408-419.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-204: Application for State of California CalHome Program Funding.

(See San Diego Housing Commission Report HCR-01-011.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1045 Cor. Copy) ADOPTED AS RESOLUTION R-294494

Authorizing the application to the California State Department of Housing and Community Development for funding up to \$1,000,000 under the CalHome Program; the execution of Standard Agreement(s) if selected for the funding and any amendments thereto; and any related documents necessary to participate in the

CalHome Program.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C408-419.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,
Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-205: Reimbursement Agreement for Construction of Del Mar Mesa Road.

(Del Mar Mesa Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1031) ADOPTED AS RESOLUTION R-294495

Authorizing the City Manager to execute a Reimbursement Agreement with
Westshaw Associates, LP, for the design and construction of Del Mar Mesa Road;

Authorizing the appropriation and expenditure in an amount not to exceed
\$579,266.42 from Facilities Benefit Assessment (FBA) Fund 79010 for providing
funds for the above project, contingent upon the availability of FBA revenues at
the time reimbursement is scheduled and payable thereafter only if and when such
FBA revenues become available for reimbursement.

CITY MANAGER SUPPORTING INFORMATION:

Westshaw Associates, LP, is constructing a portion of Del Mar Mesa Road (formerly Shaw Ridge Road) as a condition of Tentative Map TM-89-1296. This project has been scheduled for construction/reimbursement in the Fiscal Years 2001 and 2002 in the proposed FY 2001 Del Mar Mesa Public Facilities Financing Plan (Project 43-3). Westshaw Associates, LP, is therefore entitled to reimbursement from FBA Fund 79010 as indicated in the reimbursement agreement.

FISCAL IMPACT:

An estimated \$579,266.42 from Facilities Benefit Assessment Fund No. 79010 is anticipated to be available for reimbursement in FY 2001/2002.

Loveland/Goldberg/GH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C408-419.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,
Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-206: Reimbursement Agreement for Construction of Del Mar Mesa Road and
Hiking/Equestrian Trail-Northern.

(Del Mar Mesa Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1030) ADOPTED AS RESOLUTION R-294496

Authorizing the City Manager to execute a Reimbursement Agreement with
Carmel Valley 18, LLC, for the design and construction of Del Mar Mesa Road
and Hiking/Equestrian Trail-Northern;

Authorizing the appropriation and expenditure in an amount not to exceed

\$2,202,758.57 from Facilities Benefit Assessment (FBA) Fund 79010 for providing funds for the project, contingent upon the availability of FBA revenues at the time reimbursement is scheduled and payable thereafter only if and when such FBA revenues become available for reimbursement.

CITY MANAGER SUPPORTING INFORMATION:

Carmel Valley 18, LLC, is constructing a portion of Del Mar Mesa Road (formerly Shaw Ridge Road) as a condition of Tentative Map TM-96-7286. This project has been scheduled for construction/reimbursement in the Fiscal Years 2001 and 2002 in the proposed FY 2001 Del Mar Mesa Public Facilities Financing Plan (Project 43-3). The developer is also constructing a portion of the Hiking/Equestrian Trail-Northern (Project 43-10), which is scheduled in the Financing Plan for construction/reimbursement in the Fiscal Years 2001-2003. Carmel Valley 18, LLC is, therefore, entitled to reimbursement from FBA Fund 79010 as indicated in the reimbursement agreement.

FISCAL IMPACT:

An estimated \$2,179,692.07 from Facilities Benefit Assessment Fund No. 79010 is anticipated to be available for reimbursement in FY 2001/2002 for Project 43-3 and an estimated \$23,066.50 is anticipated to be available in FY 2001 for Project 43-10.

Herring/Goldberg/GH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C408-419.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-S500: Weller Companion Unit.

Matter of the appeal by James Leighton, from the decision of the Planning Commission in approving Conditional Use Permit (CUP) No. 99-1317 with conditions, to maintain an approximately 576 square-foot second-story companion unit containing a kitchen with a wet bar and bedroom/living room area with a 3/4 bath, to an existing single-family residence located at 6459 Celia Vista Drive in

the Mid-City Eastern Area Community Plan.

(CUP-99-1317. Mid-City Eastern Area Community Plan. District-7.)

(Continued from the meeting of January 23, 2001, Item 330, to allow both parties an opportunity to speak.)

NOTE: Hearing open. No testimony taken on 1/23/2001. District 8 vacant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the decision of the Planning Commission to grant the permit:

(R-2001-) DENY APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION TO GRANT THE PERMIT, ADOPTED AS RESOLUTION R-294497, WITH DIRECTIONS

Adoption of a Resolution granting or denying the appeal and granting or denying Conditional Use Permit (CUP) No. 99-1317, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on September 28, 2000 voted 5 - 0 to approve the appeal and approve Conditional Use Permit No. 99-1317; was opposition.

Ayes: Anderson, Butler, Steele, Brown, Stryker
Not present: White, Skorepa

The Eastern Area Community Planning Group on February 8, 2000 voted 7-1-0 to recommend denial of the project.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

The subject site in the Mid-City-Eastern Area Community Plan was developed in the 1950s with a two-story single-family residence with a one-car garage in the R1-5000 zone. The companion unit is located on the second floor at the rear of the residence. The companion unit is approximately 576 square feet and the existing single-family residence is 1,382 square feet.

The companion unit contains a kitchen with a wet bar, a bedroom/living room area, and a 3/4 bath. The companion unit is attached to the single-family residence but has no interior access to the residence. Two additional off-street parking spaces have been provided in the west interior side yard which corrects the required off-street parking deficiency for the single-family residence while adding one additional off-street parking space required for the companion unit.

The surrounding neighborhood is developed with small to medium size residences that provide at least one off-street parking space. No other Conditional Use Permit for a companion unit has been approved in this Eastern Area Community Planning Area. Casita del Patio Companion Unit No. 86-0209 located at 4171 58th Street was approved by City Council on July 15, 1986.

This neighborhood is in close proximity to San Diego State University where properties are often rented by students. The Hearing Officer based the decision of denial as specified in attachment 5, partly citing there were enforcement problems when properties are rented by students. However, in accordance with the draft permit conditions, the occupant of the companion unit must be age 55, a disabled person, or a member of the primary unit's family. Other single-family residences in this neighborhood offered for rent do not have this restriction.

Although the Eastern Area Community Planning Group voted against the project (see attachment 3), neighbors that live in close proximity signed a petition in support of this project (see attachment 4). The Eastern Area Community Planning Group was mainly concerned with the property becoming a rental that would be occupied by college students.

Terry and Susan Weller appealed the Hearing Officer's decision made at the July 19, 2000 hearing that a Factual Error occurred (attachment 8). The Weller's project initially went to hearing on June 28, 2000, and was continued by the Hearing Officer to July 19, 2000, because the applicants needed to provide one additional off-street parking space on the plans. There was no public testimony in opposition at the June 28th hearing. The Weller's removed a fence and resubmitted revised plans to show the additional parking space prior to the scheduled hearing on July 19, 2000. The Hearing Officer at the July 19, 2000, public hearing, considered public testimony and rendered a decision of denial. The Weller's believe that they are in compliance with the conditions and criteria set forth in San Diego Municipal Code 101.0512 and request that

the project be approved.

The Planning Commission heard testimony in favor of the appeal and in opposition of the appeal on September 28, 2000. The Planning Commission voted 5-0 (Commissioners White and Skorepa not present) to approve Susan & Terry Weller's appeal of the Hearing Officer's decision of denial and approved the conditional use permit CUP No. 99-1317, citing that all of the necessary findings could be made.

DISCUSSION OF ISSUES (OR) PROJECT ANALYSIS

The appeal filed by the Eastern Area Community Planning Committee (Attachment 9) of the Planning Commission's decision of approval at the September 28, 2000 hearing is based on their belief that this is in conflict with the Land Use Plan, Council Policy or Municipal Code and is of City-wide Significance.

They are concerned that this unit will be used as a rental for college students. The proposed permit conditions however, state that the occupants of the unit must be a member of the owner's family, or a person 55 years of age or older, or a disabled person.

The Planning Commission nonetheless, found that this project is not in conflict with the Land Use Plan, Council Policy or Municipal Code, nor is it of City-wide Significance. The project as proposed, is identified in the Mid-City-Eastern Area Community Plan which encourages the creation of additional rental housing by upgrading and/or rehabilitating existing single family residences. The Weller Companion Unit complies with all of the R1-5000 zoning development regulations and is an interior remodel that does not affect the exterior design of the residence. Therefore, City staff recommends approval of the Conditional Use Permit.

This project, if approved, will be consistent with other approved Conditional Use Permits for Companion Units throughout the City of San Diego (see Attachment 10). With this fact, City Staff believes that this project is not of City-wide Significance and recommends that the Council deny the Appeal and Uphold the decision of the Planning Commission.

NOTE: On December 12, 2000 Council voted unanimously with Council District 8 vacant to hear the appeal.

FISCAL IMPACT: None.

All costs associated with processing this application are paid from a deposit account maintained by the applicant.

CODE ENFORCEMENT IMPACT:

The Neighborhood Code Enforcement Department has an open violation case on this project. The property owners, Susan and Terry Weller, were notified that they needed to apply for and obtain a Conditional Use Permit for a companion unit in order to legalize the unit.

HOUSING AFFORDABILITY IMPACT:

The companion unit will contribute to available affordable housing for a person(s) with a disability or is a senior citizen age 55 and older. The companion unit, if not occupied by a member of the family residing in the single-family residence, can only be rented to persons meeting the above criteria.

Loveland/Christiansen/LDH

LEGAL DESCRIPTION:

The project site is located at 6459 Celia Vista Drive in the R1-5000 zone of the Mid-City Eastern Area Community Plan and is more particularly described as Lot 88, Cosgrove Heights Annex No. 1, Map 2645.

NOTE: This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15303.

FILE LOCATION: PERM-99-1317(65)

COUNCIL ACTION: (Tape location: B241-C268.)

Hearing began at 11:06 a.m. and halted at 11:49 a.m.

Testimony in opposition by Karen Jolaine Harris.

Testimony in favor by Jerry Hemme, Rose Blake, and Evelynne Peters.

MOTION BY MADAFFER TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE PLANNING COMMISSION TO GRANT THE CONDITIONAL USE PERMIT (CUP) NO. 99-1317, WITH THE FOLLOWING CHANGES:

CHANGE CONDITION 3 OF THE CUP TO REQUIRE THAT IN FIVE YEARS THE PERMITTEE SHALL SUBMIT TO AN INSPECTION AND CUP COMPLIANCE REVIEW BY THE CITY MANAGER. IF THE MANAGER DETERMINES THAT PERMITTEE IS IN COMPLIANCE WITH TERMS OF THE CUP, IT SHALL BE AUTOMATICALLY RENEWED FOR AN ADDITIONAL FIVE YEARS. IF THE MANAGER DETERMINES THAT THE PERMITTEE IS NOT IN COMPLIANCE WITH THE CONDITIONS OF THE CUP, THE MANAGER SHALL INITIATE REVOCATION PROCEEDINGS. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-nay.

NON-DOCKET

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 12:04 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C449).